

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SANJAY TRIPATHY,

Plaintiff,

**ORDER**

- against -

No. 21-CV-6584 (CS)

ROBERT MCCLOWSKI, et al.,

Defendants.

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Seibel, J.

For the reasons stated on the record on February 22, 2023, the Court GRANTS IN PART and DENIES IN PART Defendants' Motion to Dismiss. Plaintiff's individual capacity damages claims under the Religious Land Use and Institutionalized Persons Act and the First Amendment Free Exercise Clause will proceed against all Defendants except Defendant Annucci, who is dismissed. Plaintiff's Equal Protection, Racketeer Influenced and Corrupt Organizations Act, 42 U.S.C. §§ 1983 and 1985 conspiracy claims, and False Claims Act claims for damages are dismissed with prejudice; Plaintiff's injunctive relief claims under the Religious Land Use and Institutionalized Persons Act and the Free Exercise Clause, and Establishment Clause claim, are dismissed without prejudice given the Court's lack of subject matter jurisdiction over those claims.

**SO ORDERED.**

Dated: March 1, 2023  
White Plains, New York



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CATHY SEIBEL, U.S.D.J.